

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

JANET D. PALMER,

Plaintiff,

vs.

MICHAEL J. ASTRUE, Commissioner,
Social Security Administration,

Defendant.

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NO. CIV-08-654-D

ORDER

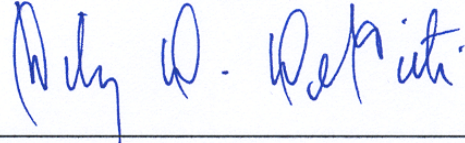
Plaintiff brought this action pursuant to 42 U.S.C. §405(g) for review of the decision of the Commissioner of Social Security Administration denying Plaintiff's application for disability benefits and supplemental security income benefits. The matter was referred to United States Magistrate Judge Shon T. Irwin for initial proceedings in accordance with 28 U.S.C. §636 (b)(1)(B).

The parties fully briefed their respective positions and, on December 7, 2009, the Magistrate Judge filed a Report and Recommendation [Doc. No. 27] in which he recommended that the decision of the Commissioner be reversed and the matter remanded for further administrative proceedings.

In the Report and Recommendation, the Magistrate Judge advised the parties of their right to file objections to the same and directed that any objections be filed no later than twenty (20) days following the December 7, 2009 Report and Recommendation. He also cautioned the parties that a failure to object would constitute a waiver of the right to appeal. The deadline for filing objections has expired; to date, neither party has filed objections or sought an extension of time in which to do so. Accordingly, the Report and Recommendation [Doc. No. 27] is adopted as though fully set forth herein.

In accordance with the foregoing, the decision of the Commissioner denying Plaintiff's application for benefits is REVERSED, and this matter is REMANDED to the Commissioner for further proceedings as set forth in the Report and Recommendation.

IT IS SO ORDERED this 13th day of January, 2010.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE